

EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 17-cv-00939-WHA

OTTOMOTTO, LLC; OTTO

TRUCKING LLC,

Defendants.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF PAUL FRENCH

San Francisco, California

Tuesday, October 3, 2017

Volume I

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 2715705

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1 meeting with Stroz and Uber's counsel? 11:49:44

2 A. I would --

3 MR. BAKER: Counsel, again, please let
4 the witness finish his answer.

5 MS. RAY: I believe I did. 11:49:50

6 MR. BAKER: I think he was still going.
7 Just for the benefit of the court reporter, too,
8 you guys have started talking over each other a
9 little bit.

10 Q. (By Ms. Ray) So you were aware of this 11:49:57
11 meeting between Mr. Beller and Stroz and Uber's
12 counsel, correct?

13 A. Correct.

14 Q. And you also were aware that Uber's
15 systems were available for inspection, correct? 11:50:17

16 MR. BAKER: Objection to form.

17 THE DEPONENT: I was not aware, no.

18 Q. (By Ms. Ray) Okay. If you could turn to
19 page 6 of Exhibit 2997, Mr. Faulkner's report.

20 A. I'm sorry. Page 6. 11:50:49

21 Q. Yes, please. This is part of
22 section III of his report, "Materials Considered."

23 Do you see at the top bullet there it

24 says "Systems at Uber made available for inspection

25 (Available for further inspection upon Waymo's 11:51:04

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1 request)." 11:51:07

2 Do you see that?

3 A. I do.

4 Q. You didn't ask to see any of the systems

5 that were available for inspection, correct? 11:51:12

6 A. Not as it relates to evaluating this

7 report, no.

8 Q. Even though you saw that that was among

9 the materials that Mr. Faulkner considered,

10 correct? 11:51:25

11 MR. BAKER: Objection to form.

12 THE DEPONENT: Well, I -- that's the way

13 I took that statement. I just took a statement as

14 open-ended. If in the future they wanted

15 additional inspections or additional work done, 11:51:46

16 they could request it. Waymo could request it.

17 Q. (By Ms. Ray) But you didn't ask Waymo to

18 request inspections so that you could look at Uber

19 systems, correct?

20 A. Not for this report, no. 11:51:59

21 Q. And if you look at page 5 of

22 Exhibit 2997, Mr. Faulkner's report.

23 A. I'm sorry. What -- what was that again?

24 Q. Page 5.

25 A. Page 5. 11:52:12

1 Q. The last bullet point, it says 11:52:16
2 "Relativity instance hosted by Stroz Friedberg,"
3 and then it names the relativity instance,
4 "(Available for further inspection upon Waymo's
5 request).\" 11:52:26
6 Do you see that?
7 A. I do.
8 Q. You didn't ask to see that relativity
9 instance, did you?
10 A. I did not, no. 11:52:32
11 Q. And then you see there's another
12 relativity instance listed above that was also
13 available for inspection upon Waymo's request.
14 You also didn't ask to inspect that,
15 correct? 11:52:44
16 A. Correct. I wasn't sure if that was
17 already done or not.
18 Q. Okay. When you say you weren't sure
19 whether that was done or not, you mean by Waymo's
20 counsel? 11:52:53
21 A. Correct.
22 Q. Did you ask Waymo's counsel whether it
23 had been done or not?
24 A. I did not, no.
25 Q. And you see on page 5, the sixth bullet 11:53:01

1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath;
8 that a record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [x] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: October 4, 2017

22
23 

24 Rebecca L. Romano, RPR,
25 CSR. No 12546